

1623
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kudla *et al.*

Serial No.: 10/015,521

Filed: 12/13/2001

Title: Rapid Diagnostic Method for
Distinguishing Allergies and
Infections and Nasal Secretion
Collection Unit

Group Art Unit: 1623

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Attorney Docket No.: UF156IBD3

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted:

- ☒ under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:
☐ Statement under 37 CFR 1.97(e), or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
☐ Statement under 37 CFR 1.97(e), and
☐ a \$180.00 fee set forth in 37 CFR 1.17(p).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

☒ Applicant(s) submit herewith information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

Applicant(s) also submit herewith copies of Form PTO 1449-Information Disclosure Citations filed in parent application Serial Nos: 08/576,604 and 09/936,954. Under the provisions of 37 C.F.R. 1.98(d), since all references cited therein have been provided in parent application Serial Nos: 08/576,604 and 09/936,954, copies of cited references are not provided herewith. It is believed that this submission complies with the requirements of 37 C.F.R. 1.56.

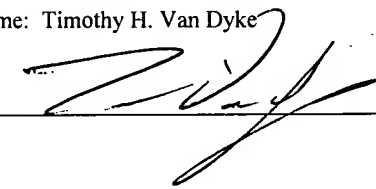
Applicant submits that the cited references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: March 14, 2003

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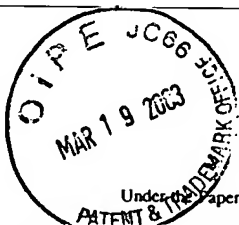
Respectfully submitted,



Timothy H. Van Dyke
Attorney/Agent for Applicant(s)
Reg. No. 43218

Date: March 14, 2003

Customer No: 29847
Van Dyke & Associates, P.A.
7200 Lake Ellenor Drive, Suite 252
Orlando, FL 32809
Phone: 407-240-0085; Fax: 407-240-1007



PTO/SB/08A (10-01)
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/936,954
				Filing Date	3/16/1999
				First Named Inventor	Small
				Art Unit	1645
				Examiner Name	Unknown
				Attorney Docket Number	UF1561A
Sheet	1	of	2		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-5,369,007	11-29-1994	Kidwell	
		US-5,200,321	04-06-1993	Kidwell	
		US-5,910,421	06-08-1999	Small et al.	
		US-4,968,633	11-06-1990	Marcucci	
		US-5,643,202	07-01-1997	Gravenstein et al.	
		US-5,777,888	07-07-1998	Rine et al.	
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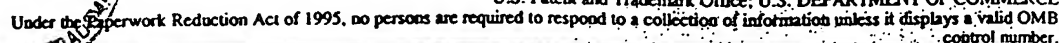
FOREIGN PATENT DOCUMENTS						
Examiner/ Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	†
		Country Code ² - Number ³ - Kind Code ⁴ (if known)				
		WO 0055359A	09-21-2000	University of Florida		
		FR 2784023A	04-07-2000	Michel Gleizes		

Examiner Signature	Date Considered
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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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UF1561A

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		LANS, D.M. et al., "Nasal Eosinophilia in Allergic and Nonallergic Rhinitis: Usefulness of the Nasal Smear in the Diagnosis of Allergic Rhinitis", Allergy Proceedings, July 4, 1989, Vol. 10 No. 4 pp. 275-280, , Ocean Side Publications, USA.
		NACLERIO, R.M. et. al., "Mediator Release After Nasal Airway Challenge with Allergen 1-4", American Review of Respiratory Diseases, October 4, 1983, Vol. 28, No. 4 pp. 597-602, USA.

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U.S. DEPARTMENT OF COMMERCE
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ATTY. DOCKET NO.
UF156

SERIAL NO.
08/576,604

APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

FILING DATE
December 21, 1995

GROUP
1208

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3	4	3	8	7	3	7	4/15/69	Atkinson et al.			
	AB	4	3	0	1	1	1	5	11/17/81	Rapkin et al.			
	AC	4	6	3	7	9	7	9	1/20/87	Skjold et al.			
	AD	4	6	4	5	8	4	2	2/24/87	Corey			
	AE	4	6	5	7	8	5	5	4/14/87	Corey et al.			
	AF	4	7	0	4	4	6	0	11/3/87	Corey			
	AG	4	7	5	8	5	0	8	7/19/88	Schnabel et al.			
	AH	3	3	5	9	0	7	2	12/19/67	Rey et al.			
	AI	3	4	1	8	0	7	9	12/24/68	Rey et al.			
	AJ	3	7	1	2	8	5	3	1/23/73	Rittersdorf et al.			
	AK	3	8	9	7	2	1	4	7/29/75	Lange et al.			

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Service, R.F. (1995) "Antibiotics that Resist Resistance" Science 270:724-727.
	AS	Wang, D. et al. (1995) "Correlations between Complaints, Inflammatory Cells and Mediator Concentrations in Nasal Secretions after Nasal Allergen Challenge and during Natural Allergen Exposure" Int. Arch. Allergy Immunol. 106:278-285.
	AT	Sigurs, N. et al. (1994) "Eosinophil cationic protein in nasal secretion and in serum and myeloperoxidase in serum in respiratory syncytial virus bronchiolitis: relation to asthma and atopy" Acta. Paediatr. 83:1151-1155.

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APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

FILING DATE
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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	3 8 0 2 8 4 2	4/9/74	Lange et al.			
AB	4 0 1 3 4 1 6	3/22/77	Rittersdorf et al.			
AC	4 3 8 5 1 1 4	5/24/83	Güthlein et al.			
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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Okuda, M. et al. (1994) "A Novel Method of Counting Eosinophils in Nasal Secretion of Allergic Rhinitis by Hemocytometric Method" Int. Arch. Allergy Immunol. 104:6-8.
AS	Grzegorezyk, K.M.L. et al. (1993) "Neutrophil chemotactic activity (NCA) in nasal secretions from atopic and nonatopic subjects" Alergy 48:409-414.
AT	Igarashi, Y. et al. (1993) "Immunodeficiency and other clinical immunology: Analysis of nasal secretions during experimental rhinovirus upper respiratory infections" J. Alergy Clin. Immunol. 92:722-731.

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UF156SERIAL NO.
08/576,604

APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Sperber, K. <i>et al.</i> (1993) "In vivo detection of a novel macrophage-derived protein involved in the regulation of nasal mucus-like glycoprotein secretion" J. Allergy Clin. Immunol. 92:585-588.
AS	Knani, J. <i>et al.</i> (1992) "Indirect evidence of nasal inflammation assessed by titration of inflammatory mediators and enumeration of cells in nasal secretions of patients with chronic rhinitis" J. Allergy Clin. Immunol. 90:880-889.
AT	Klementsson, H. <i>et al.</i> (1991) "Eosinophils, secretory responsiveness and glucocorticoid-induced effects on the nasal mucosa during a weak pollen season" Clinical and Experimental Allergy 21:705-710.

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APPLICANT(S) Parker A. Smart, Jr., Shih-Wen Huang

 FILING DATE
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U.S. PATENT DOCUMENTS

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Raphael, G.D. et al. (1991) "The pathophysiology of rhinitis" J. Allergy Clin. Immunol. 88:33-42.
	AS	Cohen, R.A., E.P. Brestel (1988) "Nasal secretory response to allergen provocation" Clinical Allergy 18:435-443.
	AT	Liu, C.-M., M. Okuda (1988) "Injurious effect of eosinophil extract on the human nasal mucosa" Rhinology 26:121-132.

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APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Andersson, M. et al. (1987) "Allergen-induced nasal hyperreactivity appears unrelated to the size of the nasal and dermal immediate allergic reaction" Allergy 42:631-637.
	AS	Settipane, G.A., D.E. Klein (1985) "Non Allergic Rhinitis: Demography of Eosinophils in Nasal Smear, Blook Total Eosinophil Counts and IgE Levels" NER Allergy Proc. 6(4):363-366.
	AT	Brofeldt, S. et al. (1986) "Biochemical Analysis of Nasal Secretions Induced by Methacholine, Histamine, and Allergen Provocations" Am. Rev. Respir. Dis. 133:1136-1142.

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PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
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APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Eggleston, P.A. et al. (1984) "Mediators of Immediate Hypersensitivity in Nasal Secretions during Natural Colds and Rhinovirus Infection" Acta. Otolaryngol (Stockh) suppl. 413:25-35.
	AS	Baumgarten, C.R. et al. (1986) "Plasma Kallikrein during Experimentally Induced Allergic Rhinitis: Role in Kinin Formation and Contribution to TAME-esterase Activity in Nasal Secretions" The Journal of Immunology 137(3):977-982.
	AT	Andersson, M. et al. (1995) "Mechanisms of nasal hyper-reactivity" Eur. Arch. Otorhinolaryngol 252 (Suppl. 1):S22-S26.

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Florman, A.L. et al. (1987) "Rapid Noninvasive Techniques for Determining Etiology of Bronchitis and Pneumonia in Infants and Children" Clinics in Chest Medicine 8(4):669-679.
	AS	Katz, R.M. et al. (1995) "A Comparison of Imaging Techniques in Patients with Chronic Sinusitis (X-ray, MRI, A-Mode Ultrasound)" Allergy Proc. 16(3):123-127.
	AT	Demoly, P. et al. (1994) "Assessment of inflammation in noninfectious chronic maxillary sinusitis" J. Allergy Clin. Immunol. 94:95-108.

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